IN THE HIGH COURT OF JUDICATURE AT BOMBAY

CIVIL APPELLATE JURISDICTION

WRIT PETITION NO. 1489 OF 2005

General Secretary,
Young Stock Farm Workers' Union ... Petitioner

Versus

The Collector, Pune and Ors. ... Respondents

Smt. Neeta Karnik for Petitioner.

Mr. V.P. Malvankar, A.G.P. for R. No. 1.

Mr. S.V. Masurkar i/by S.S. Sarkar for R. Nos. 2 and 3.

CORAM : F.I. REBELLO &
DR.D.Y.CHANDRACHUD,JJ.
DATED : JANUARY 17, 2006

P.C.

. Rule. Heard forthwith.

. Though Respondent No. 4 has been served, no appearance has been filed on behalf of Respondent No. 4. It is the case of the Petitioners that there was an award in their favour in Reference I.D.A. No.455 of 2000 dated 28.3.2003. By that award, the workmen whose names are listed were directed to be reinstated to the original post with

continuity of service and full back wages from the date of termination. They have not been reinstated and the employer, Respondent No. 4 has failed to implement the award. The Petitioners moved Respondent Nos. 2 and 3 for issuance of certificate. By communication dated 29.9.2003, the office of Respondent No. 3 addressed a letter to Respondent No. 4 calling upon Respondent No. 4 to show cause as to why legal action by way of commencing prosecution for non implementing of the award passed by the tribunal should not be initiated.

. On behalf of the Petitioners, there have been subsequent reminders dated 5.12.2003, 16.2.2004 and also 1.11.2004 addressed to Respondent No. 2. There has been no action on the part of Respondent Nos. 2 and 3 to the present petition.

. Once there be an award and there has been failure to implement the award, on respondent Nos. 2 and 3 being approached by the Petitioner for enforcement of the award under the provisions of the I.D. Act, the Respondent Nos. 2 and 3 were

bound to take steps which process in fact was initiated when they sent show cause notice to Respondent No. 4 by their letter dated 29.9.2003. It appears that thereafter there has been no action on the part of Respondent No 4. Considering the above, the petition can be disposed of by issuing the following directions :

. Respondent Nos. 2 and 3 on issuing fresh notice to Respondent No. 4, if respondent No. 4 fails to produce any material to show that either the award has been set aside or stayed, or they have paid the amounts due under the Award, to take steps in law, to enforce the award. Petition made absolute in terms of Prayer Clause a(i). The Recvoery certificate to be issued within four months thereafter and the same be forwarded to Respondent No. 1. Respondent No. 1 to take steps to enforce the recovery certificate within three months thereafter. In the circumstances of the case, there shall be no order as to costs.

(F.I. REBELLO,J.)

(DR. D.Y. CHANDRACHUD,J.)